

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK F. FAGAL, JR.	:	
	:	
<i>Plaintiff,</i>	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 3:14-cv-02404-ARC
MARYWOOD UNIVERSITY,	:	
	:	(JUDGE CAPUTO)
<i>Defendant.</i>	:	
	:	

**STIPULATION TO CORRECT OR MODIFY THE RECORD**

The parties hereby stipulate to correct or modify the record under Federal Rule of Appellate Procedure 10(e) and request the preparation and transmittal of a supplemental record. The corrections and modifications are as follows:

**Corrections to trial transcript dated April 23, 2018 (Doc. 123)**

<b><u>Citation</u></b>	<b><u>Content</u></b>	<b><u>Stipulated Change to Content</u></b>
1:10	JURY	NON-JURY
4:13	1997	1987
4:16	and	had
4:21	curses	courses
5:1-2	posters approved	posters were approved
5:10	poplar	popular
5:21	poplar	popular
5:22	parody	parody,
5:23	the	that
6:9	grievance, internal	grievance, an internal
6:22	designated	designating
7:20	grievance	grievants

<b><u>Citation</u></b>	<b><u>Content</u></b>	<b><u>Stipulated Change to Content</u></b>
7:22	quote, grievance	quote, grievants
7:24	a grievance	a grievant
8:15	of and sciences	of arts and sciences
8:20	to	for
9:15	Matthew	Mathew
9:16	witnesses testify	witnesses will testify
10:3	again that he has borne substantial economic cost	again and that he has borne substantial economic costs
10:8	Pete	Peet
18:19	be	you
18:23	Skaneateles	Skaneateles
19:4	graduated 1968	graduated in 1968
20:3	look	hook
20:12	one	we
21:19-20	Marywood	Marywood in
21:21-23	During the fall semester, I had two sessions of basic economics, a section of principles of economics I co-taught with Dr. Jackson, the introduction to social sciences course.	During the fall semester, I had two sections of basic economics, a section of principles of economics, and I co-taught with Dr. Jackson the introduction to social sciences course.
24:7	Marywood's before	Marywood's permission before
24:9	approached	broached
25:24	Skaneateles	Skaneateles
25:25	notified by	notified me by
26:1	And I wrote back why.	And I wrote back— "Why?"
26:4	things	thing
26:8	Cabral a who	Cabral, who
26:10	could administration	could the administration
26:14	cause behavior	causes changes in behavior
26:19	first -- terrible	first said -- terrible
26:24	in administrative	in the administrative
27:2	affairs. He mentioned the word executive council had met. And	affairs. He mentioned the executive council had met. And
28:10	was official	was an official
28:14	It was a daytime class. Students	If it was a daytime class, students

<b>Citation</b>	<b>Content</b>	<b>Stipulated Change to Content</b>
28:16	evening	evening's
28:21	signaling	singling
32:20	G. mail	Gmail
33:8	spree	free
33:17	poplar	popular
35:24	parody's	parodies
37:25	assume	assumed
38:1	Lavine was Jewish. I do know this video creating people	Levine was Jewish. I do know this video creating, people
38:5	reap	Reap
38:6	May	Mary
39:24	say interest of	say of interest to
40:6	at Wood Ward	at the Wood Word
40:19	publically	publicly
41:5	that President Reap prior to President Munley	that President Munley
41:17	I said, yes, I was and. Then she said	I said, yes, I was. And then she said
42:14	to just	to, just
43:3	it's	as
43:14	this is trying	this is like trying
45:4-5	You declined to her	You declined her
45:18	Fereese	Ferrese
46:20	these	this
49:10	Munley. 2012.	Munley.
51:5	Or I had you to do it.	Or I had you do it.
52:4-5	case, which is whether the procedures themselves or followed them correctly.	case, but whether the procedures themselves were followed correctly.
54:20	informing her she would be surprised that	informing her that
55:11-13	I decided to finalize my recommendation as a result of your employment at Marywood with your tenure are effective today April 3 <sup>rd</sup> , 2012.	"I decided to finalize my recommendation. As a result, your employment with Marywood and your tenure are terminated effective today, April 3, 2012."

<b><u>Citation</u></b>	<b><u>Content</u></b>	<b><u>Stipulated Change to Content</u></b>
58:1	admissions	omissions
58:17	report and of	report of
60:23	he will was a dean. And there was a question of what hang on	he was a dean. And there was a question of what I could hang on
61:2	bench	bunch
62:23	are	was
68:3	misread to that	misread that
71:23	interception	intersection
73:14	3rd	30th
75:5-6	that administration	that the administration
82:11	no	to
86:16	publically	publicly
87:2	to back	to go back
93:20	Archbald	Archibald
93:21	of in	of people in
98:21	dually	duly
108:19	over	under
110:17	Even forward – I didn’t say just for a year.	I didn’t say just for a year.
115:18	has	as
117:9	Not	No, I
119:25	category	categorize
123:21	Yes, this is the teaching lode. The teaching lode also	Yes, this is the teaching load. The teaching load also
129:4	West Chester	Westchester
137:14	number	member
161:7-8	zero to	0.2
161:17	page	wage
169:6	act and a	academic
171:11	trained spreadsheet wizard	trained spreadsheet wizards
172:1	with my logic	with by my logic
172:7	when you got	when you’ve got

**Corrections to Trial Transcript dated April 24, 2018 (Doc. 123)**

<b><u>Citation</u></b>	<b><u>Content</u></b>	<b><u>Stipulated Change to Content</u></b>
1:11-12	JURY TRIAL	NON-JURY TRIAL
2:5	MICHEAL	MICHAEL
6:9	to it to turn	it to turn
8:5	I just you want	I just want you
36:8	you know, have	you know, we have
44:11	today as you	today as if you
52:19	Lines	Page
64:20	suspended for fired	suspended or fired
67:1	question. Mr. Cohen,	question. By Mr. Cohen,
86:14-15	do you know whether at the university office	do you know whether his University office
90:3	correct.	correct?
97:5	I alleged	he alleged
97:6-7	policy by improperly suspending him being by improperly moving to terminate his employment and tenure and that he had not an	policy by improperly suspending him, by improperly moving to terminate his employment and tenure, and that he had not had an
102:9-10	Question, you did also agree -- was it also your understanding that the committee be convened twice to determine	Question, but did you also agree -- was it also your understanding that the committee would be convened twice to determine
105:6	213	2012
132:5	Bittle	Bittel
150:1-2	back, she says -- my questions are him highlighted in blue, responses highlighted in green, somewhere on that second page	back, she says -- my questions to him are highlighted in blue, his verbal responses are highlighted in green, somewhere on that second page
155:24	Pete	Peet
172:25	Pete	Peet

The parties further stipulate that the “exhibit six” referenced at 65:14 is identical to Joint Trial Exhibit 14.

The parties further stipulate that the “exhibit 7” referenced at 70:12 is identical to Fagal Trial Exhibit 48.

The parties further stipulate that the “exhibit 11” referenced at 88:9 is identical to Joint Trial Exhibit 20.

The parties further stipulate that the “exhibit 15” referenced at 91:22 is identical to Joint Trial Exhibit 24.

The parties further stipulate that the “exhibit 20” referenced at 98:3 is identical to Joint Trial Exhibit 31.

**Corrections to Trial Transcript dated April 25, 2018 (Doc. 131)**

<b><u>Citation</u></b>	<b><u>Content</u></b>	<b><u>Stipulated Change to Content</u></b>
5:24	publically	publicly
22:20	implyably	impliedly
23:11	I doubt if the	I doubt if

Respectfully,

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*Counsel for Defendant*

Date: September 11, 2018

SO ORDERED:

Date:

9/13/18

  
A. Richard Caputo  
United States District Judge